

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:19-cv-00020-FDW**

TERRANCE L. JAMES-BEY,

Plaintiff,

vs.

N.C. DEP'T OF PUBLIC SAFETY, et al.,

Defendants.

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ORDER

THIS MATTER is before the Court on Plaintiff's "Notice of Appeal and Motion for Leave to Use the Local Law Library" [Doc. 32] and Plaintiff's "Appeal and Motion to Recuse" [Doc. 33].

Plaintiff filed the above-referenced documents on October 25, 2019 and October 30, 2019, respectively. To the extent these filings were intended to be notices of appeal from the Court's October 15, 2019 Order holding that Plaintiff's Amended Complaint survived initial review on certain claims against certain Defendants [Doc. 28], the filings have been transmitted to the Court of Appeals for the Fourth Circuit.

Plaintiff moves the Court for leave to use "the local law library and its photocopying service, for approximately four <4> hours, under both State and Federal armed guard," so that Plaintiff "may properly prepare to litigate this action." [Doc. 32]. Plaintiff states no grounds in support of this motion, other than the undersigned's "illogical opinion" "placing [Plaintiff] at a disadvantage to fully litigate [his] claims." [*Id.*]. In addition to failing to state any legitimate grounds for this request, the Court will not order the allocation of "State and Federal armed guards" to accompany Plaintiff on a trip to a law library, absent a showing of extraordinary circumstances


warranting such relief. The Plaintiff has failed to present any grounds, let alone extraordinary circumstances, in support of his request. The Court, therefore, will deny this motion.

Plaintiff also moves, for the second time in this matter, for the recusal of the undersigned. [See Docs. 26, 33]. Plaintiff's demand for the recusal of the undersigned is, again, wholly without merit. Plaintiff contends that the undersigned is "incompetent," "lack[s] an understanding of the English language," is "biased and prejudice[d]," attempting to "misrepresent" the issues in the case, "trying to protect" the N.C. Department of Public Safety, "has assisted and allowed Defendants to attack [Plaintiff's] natural person and property under color of law," "warring against the very laws and Constitution which granted him his authority, thereby rendering him incompetent," and "secretly contacting" Defendants "attempting to protect and shield [them] from liability." [Doc. 33 at 1-5]. These allegations are baseless. Plaintiff's motion to recuse the undersigned will be denied.

IT IS, THEREFORE, ORDERED that:

1. Plaintiff's motion for leave to use the local law library [Doc. 32] is **DENIED**.
2. Plaintiff's motion to recuse [Doc. 33] is **DENIED**.

Signed: November 7, 2019


Frank D. Whitney
Chief United States District Judge 